

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD H. WARREN,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,  
MCNEIL ISLAND CORRECTION  
CENTER, STATE OF WASHINGTON,  
MCNEIL ISLAND CORRECTION  
CENTER HEALTH SERVICE UNIT,  
DR. FRANK LONGANO, LINDA  
BODINE, KENNETH TAYLOR, RON  
VAN BOENING, ELDON VAIL, ROB  
MCKENNA, NANCY ARMSTRONG,  
and JAMES ANDERSON,

Defendants.

No. C10-5239 RBL/KLS

**ORDER DENYING PLAINTIFF'S  
MOTION TO COMPEL**

Before the court is Plaintiff's Motion to Compel. ECF No. 57. Pursuant to the Pretrial Scheduling Order entered by the Court on August 25, 2010, all discovery in this matter was to be completed by February 25, 2011. ECF No. 28. On January 13, 2011, Plaintiff's first motion for discovery was denied because he had failed to send any discovery requests to Defendants. ECF No. 46. At that time, the Court directed Plaintiff to Rules 26 through 37 of the Federal Rules of Civil Procedure and advised Plaintiff that discovery rules provide each party with time limits for responding to discovery requests and require that before a motion seeking an order compelling discovery may be filed with the Court, the parties must confer in good faith in an attempt to resolve their differences. *Id.*, p. 2 (citing Fed. R. Civ. P. 37(a)(2)(B)). On January 21, 2011,

1 Plaintiff filed a second "Request for Discovery." ECF No. 48. The Clerk returned Plaintiff's  
2 "Request" and notified Plaintiff that discovery requests are not to be filed with the clerk or court  
3 and that no action will be taken on his "Request." ECF No. 50.

4 On February 11, 2011, Mr. Warren filed a certificate of mailing indicating that he sent  
5 "Depositions, Interrogatories, Requests for Production and Inspection, Requests for Admission,"  
6 to counsel for Defendants. ECF No. 55. Less than thirty days later, on March 9, 2011, Plaintiff  
7 filed a Motion to Compel the Defendants' responses to his "discovery request dated 1-19-2011."  
8 He claims that Defendants' submitted documentation which was found to be deficient and that  
9 Defendants should be ordered to disclose the "documents listed on page 1 of 6 in their entirety,"  
10 because "eighty percent" of the discovery was "incomplete and non-relevant to the information  
11 requested." *Id.*, p. 2. He further states that he seeks "Anderson and Armstrong declarations,  
12 DOC 1993-1198 and DOC 2004-2005 MICC, AHCC and OCC medical primary encounters and  
13 lab reports." He claims that Defendants provided only 2006-2011 primary encounters or care  
14 reports and lab reports. *Id.* In the remainder of his motion, Plaintiff attacks the credibility and  
15 sufficiency of the Declarations of Drs. Longano and Lopin, which were submitted in support of  
16 Defendants' motion for summary judgment.

17 The court is unable to determine what information is "incomplete and non-relevant to the  
18 information requested." Plaintiff has not attached the discovery requests and/or responses that  
19 are in dispute. Furthermore, Plaintiff has not included a certification that he has in good faith  
20 conferred or attempted to confer with the Defendants in an effort to obtain the information he  
21 seeks without court action. *See* Fed. R. Civ. P.37(a)(1).

22 Accordingly, it is **ORDERED**:

23 (1) Plaintiff's motion to compel (ECF No. 57) is **DENIED**.

1 (2) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.

2 **DATED** this 22nd day of March, 2011.

3  
4 

5 Karen L. Strombom  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26